

GWURR Package Cover Sheet

Site Name Nickolay (Don) Const

Site Address 10896 Washington Ave., Marshfield, WI 54449

BRRTS # 03-72-001041 Date of Closure Decision 3/12/98

Tax Parcel # Wood Co. # ?

☒ Groundwater Use Restriction

☒ Location map

☒ Detailed site map

☒ Groundwater flow/isoconcentration maps

☒ Geologic cross sections

☒ Latest table(s) of analytical results (soil results included only if soil deed restriction is incorporated into groundwater use restriction document)

☒ Closure letter(s)

Right of way - No

Off-site - No

revised 3/8/01

revised 10/1/01

Page 1

Document Number

GROUNDWATER USE RESTRICTION

WOOD CO. WIS.

Declaration of Restrictions

In Re: The Northwest Quarter of the Northwest Quarter (NW¼ of the NW¼) of Section Twenty-one (21) in Township Twenty-five (25) North of Range Three (3) East, more particularly described as follows:
Commencing at the NW corner of Section 21, T25N, R3E; thence east along the north line of Section 21, 200 feet to the point of beginning; thence continuing east along the north line of Section 21, 290 feet; thence south 425 feet; thence 290 feet; thence 425 feet to the point of beginning; said parcel contains 2.83 acres more or less.

STATE OF WISCONSIN)

COUNTY OF WOOD) ss

WHEREAS, Donald P. Nikolai and Penny L. Nikolai husband and wife as joint tenants are the owners of the above-described property.

WHEREAS, one or more petroleum discharges have occurred at this property. Benzene contaminated groundwater above NR 140 enforcement standards exists on this property at the following location(s): Monitoring well MW-3 contained benzene at a concentration of 31 µg/L on July 14, 1997. Monitoring well MW-3 is located in the former underground storage tank basin approximately 25 feet south of the storage buildings (see attached Figure 3). Soil contamination exists near soil boring B-1. Diesel range organics (DRO) was detected at a concentration of 140 mg/Kg at a depth of 13.5 feet below the ground surface at B-1 (see attached Figure 2).

Parcel Identification Number (PIN)

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct additional soil or groundwater remediation activities at the present time, in response to a petroleum release from an underground storage tank (UST) identified by the WDNR Reference # 03-72-001041. The petroleum release was investigated from March 1994 to July 1997. Biological activity monitoring of the groundwater and computer modeling of the groundwater contaminant plume indicates that natural attenuation of the remaining petroleum contamination is occurring and that the groundwater contaminant plume is receding.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater exceeding ch. NR 140 groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality exceeds the drinking water standards in ch. NR 809 is restricted by ch. NR 811 and ch. NR 812. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed or reconstructed on this property unless applicable requirements are met.

'98 OCT 5 AM 9 47

RECORD IN

VOL. 900 Rec PAGE 27

REGISTER OF DEEDS

Recording Area

Name and Return Address

WYNIA & BILLINGS, S.C.
248 SOUTH CENTRAL AVENUE
P.O. BOX 458
MARSHFIELD, WI 54449-0458

1600

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by the Wisconsin Department of Natural Resources, its successors and assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that the restrictions set forth in this covenant are no longer required. Upon receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, with a copy of the Department's written determination, may be recorded to give notice that this groundwater use restriction is no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 30 day of September, 1998.

Signature: Donald P. Nicholas
Printed Name: DONALD P. NICHOLAS

Subscribed and sworn to before me
this 30 day of September, 1998

Jean Kraus
Notary Public, State of Wisconsin
My commission 7-4-99



Drafted by: MSA Professional Services, 1835 N Stevens Street, Rhinelander, WI 54501 1026
(Brian J. Hegge)

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LEGEND

—C— UNDERGROUND GAS

—E— UNDERGROUND ELECTRIC

□ UTILITY POLE

○ SEPTIC TANK AND DRAIN FIELD

▨ LOCATION OF FORMER TANK BED EXCAVATION

• SOIL BORING

⊖ APPROXIMATE EXTENT THAT EXCEEDS 100 mg/kg DRO GRCL

30 0 30

SCALE IN FEET

N

W

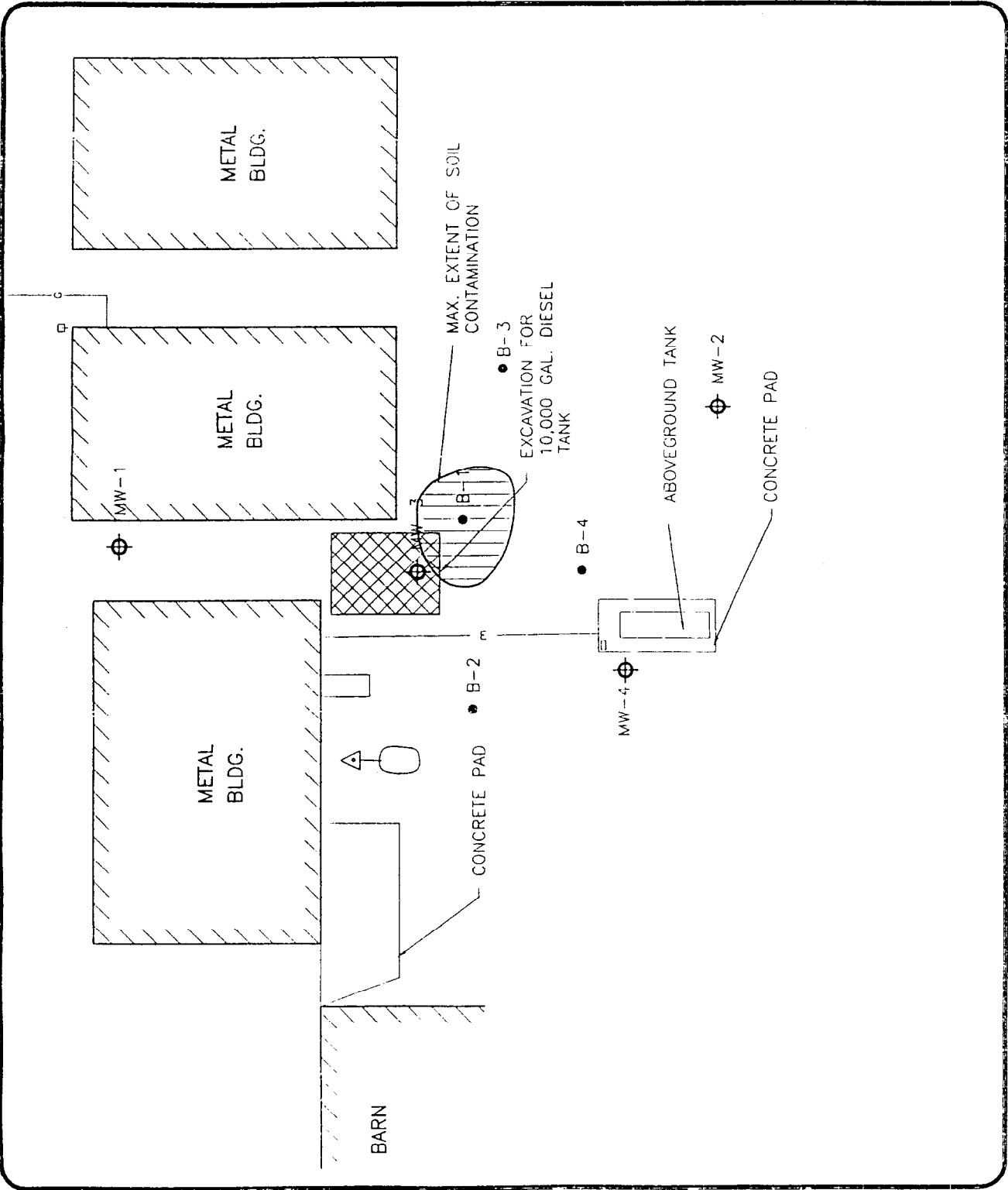
E

S

FIGURE 2

APPROXIMATE HORIZONTAL EXTENT OF PETROLEUM CONTAMINATION IN SOIL

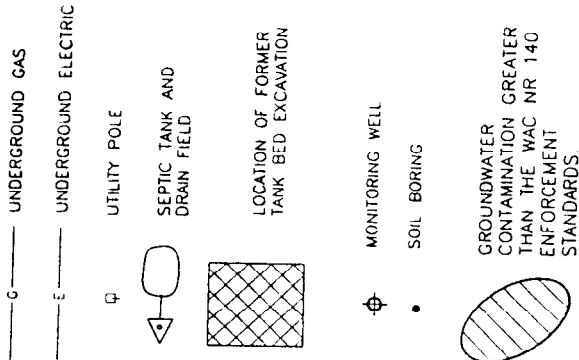
NIKOLAI CONSTRUCTION MARSHFIELD, WI





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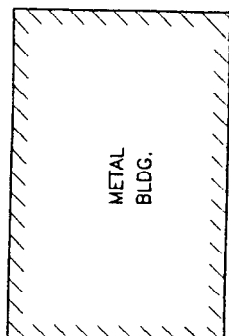
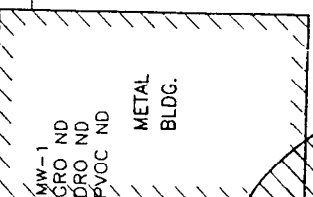
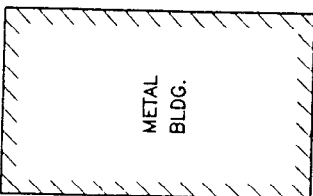
LEGEND



GRO GASOLINE RANGE ORGANICS (mg/L)
DRO DIESEL RANGE ORGANICS (mg/L)
PVOC PETROLEUM VOLATILE ORGANIC COMPOUNDS (μg/L)
BENZ BENZENE (μg/L)
EB ETHYLBENZENE (μg/L)
XY TOTAL XYLENE (μg/L)
TMB TOTAL TRIMETHYLBENZENE (μg/L)
TOL TOLUENE (μg/L)

FIGURE 3
APPROXIMATE HORIZONTAL
EXTENT OF PETROLEUM
CONTAMINATION IN GROUNDWATER
7/14/97

NIKOLAI CONSTRUCTION
MARSHFIELD, WI



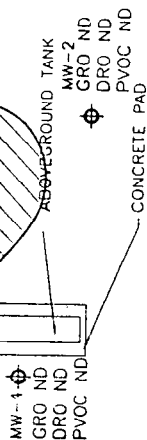
BARN

MW-3
GRO 0.57
DRO 3.9
BENZ 31
EB 54
XY 4.3
TMB 7.0
TOL 2

B-3
EXCAVATION FOR
10,000 GAL. DIESEL
TANK

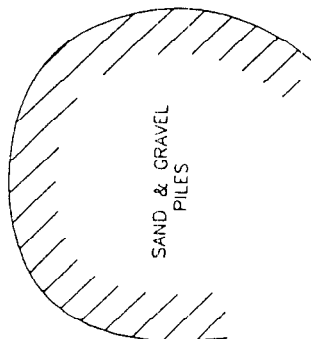
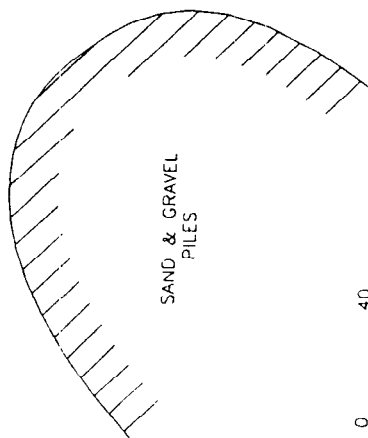
B-2

CONCRETE PAD



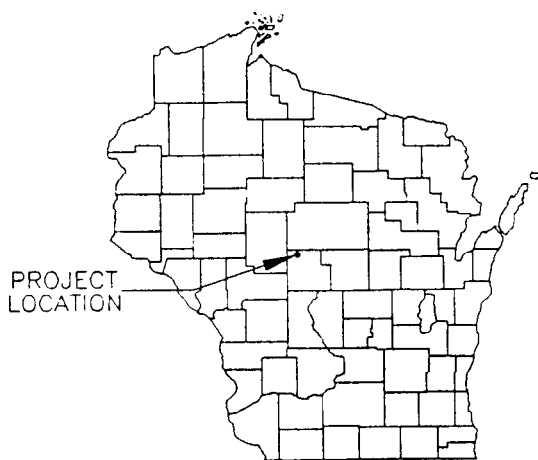
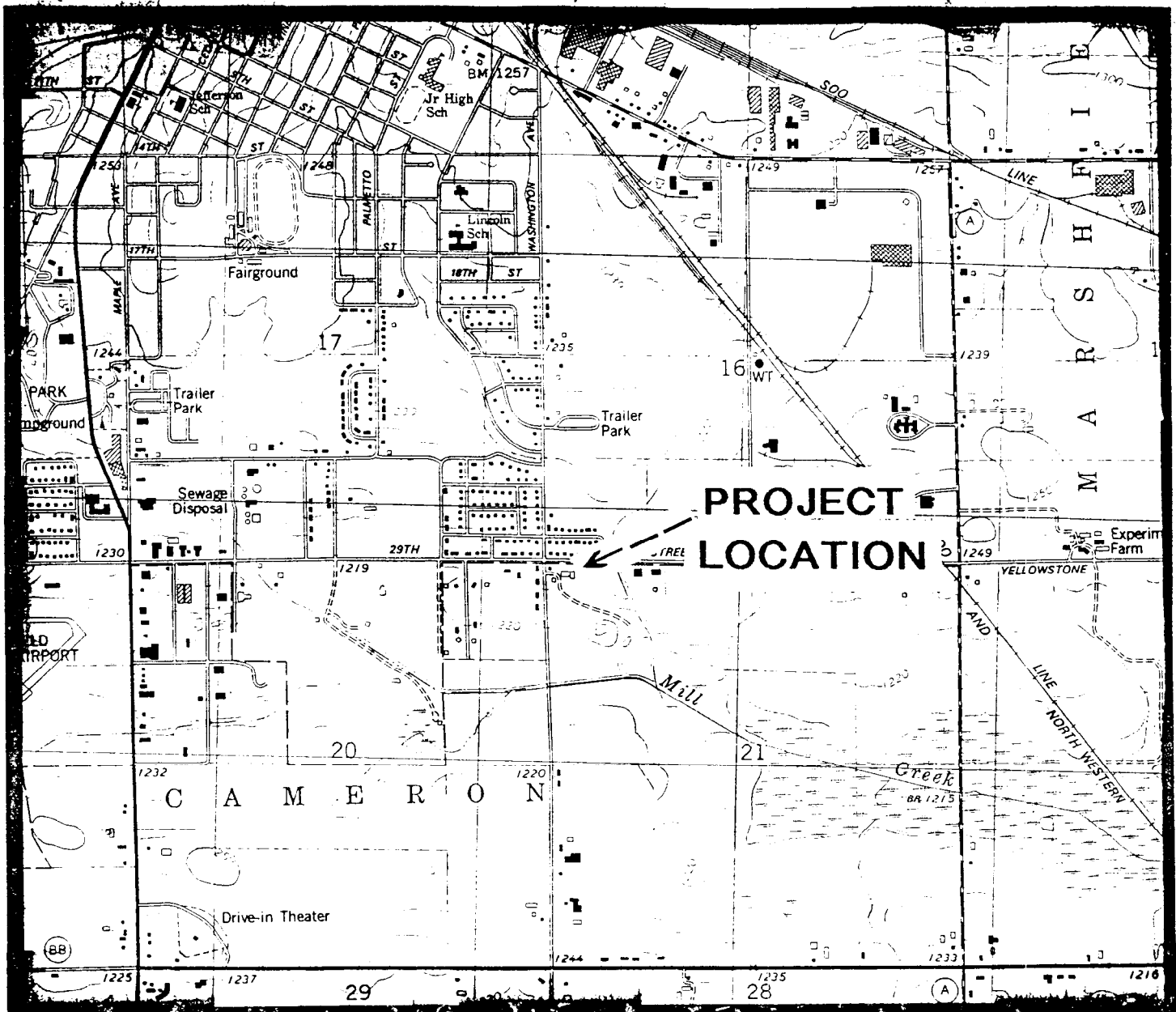
MW-1
GRO ND
DRO ND
PVOC ND

MW-2
GRO ND
DRO ND
PVOC ND



40 0 40
SCALE IN FEET

⊕ MW-5
GRO ND
DRO 0.13
PVOC ND



2000 0 2000
 SCALE IN FEET
 1 INCH = 2000 FT.



Marshfield Quadrangle
 Wisconsin-Wood County
 7.5 Minute Series (Topographic)

Contour Interval 10 Feet
 1979

MSA

**FIGURE I
 SITE LOCATION MAP**

DON NIKOLAI CONSTRUCTION, MARSHFIELD, WI

212061F1.2WG

LEGEND

— G — UNDERGROUND GAS
— E — UNDERGROUND ELECTRIC

□ UTILITY POLE

□ SEPTIC TANK AND DRAIN FIELD

▨ LOCATION OF FORMER TANK BED EXCAVATION

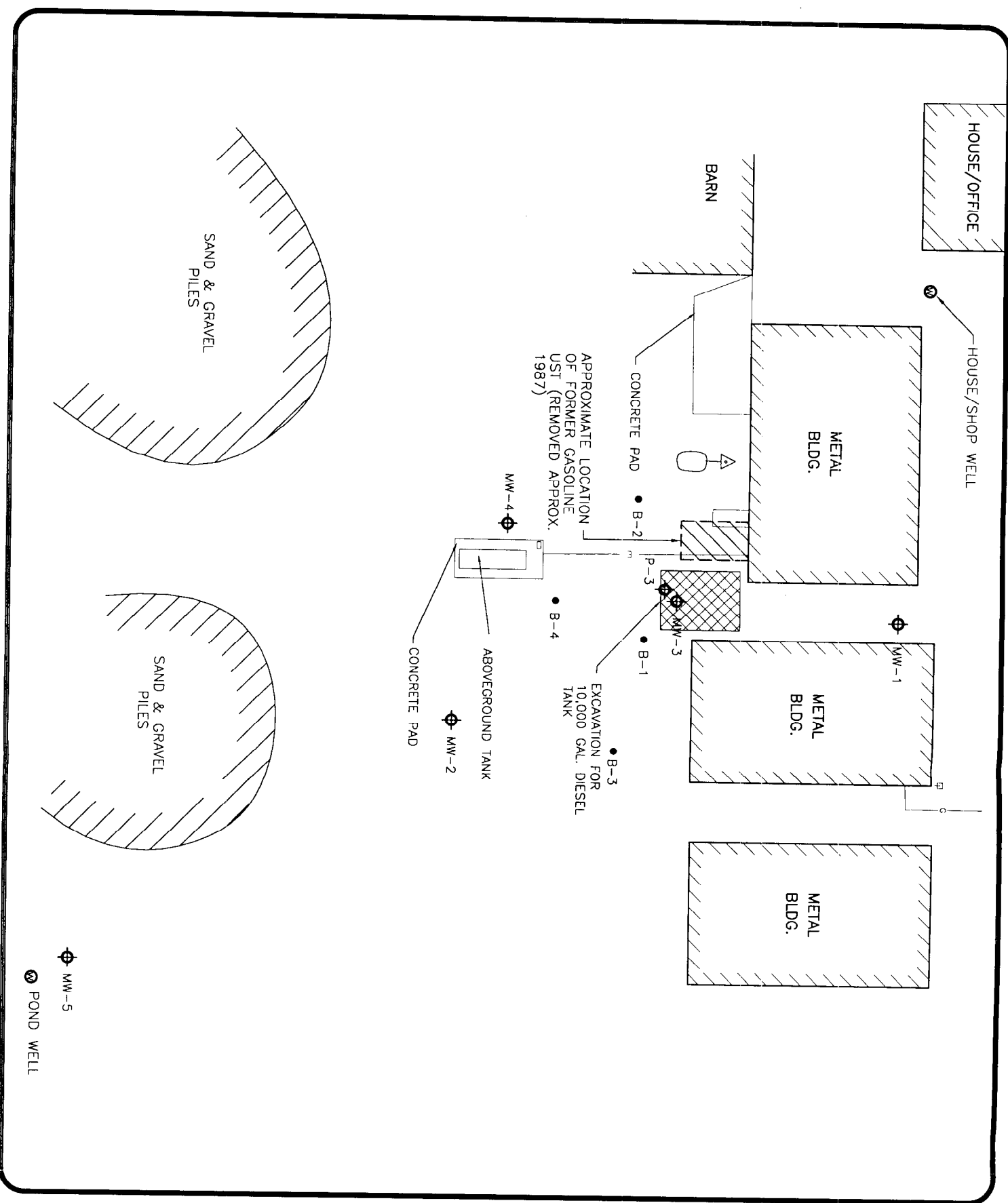
⊕ MONITORING WELL

• SOIL BORING

40 0 40
SCALE IN FEET



FIGURE 3
SOIL BORING AND MONITORING WELL LOCATIONS
NIKOLAI CONSTRUCTION
MARSHFIELD, WI



LEGEND

— G — UNDERGROUND GAS

— E — UNDERGROUND ELECTRIC

□ UTILITY POLE

○ SEPTIC TANK AND
DRAIN FIELD

▨ LOCATION OF FORMER
TANK BED EXCAVATION

⊕ MONITORING WELL

• SOIL BORING

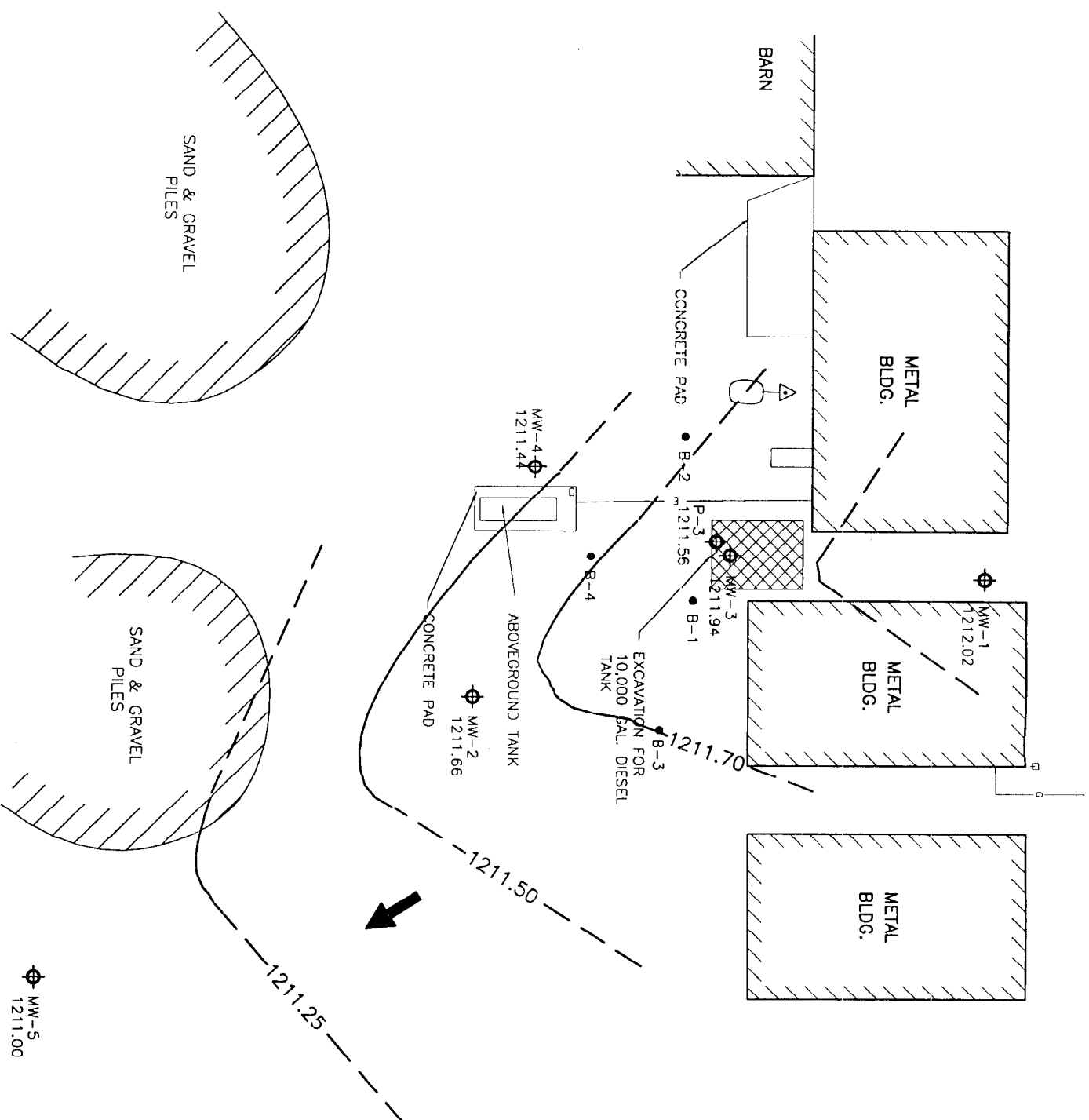
— 1211.00 GROUNDWATER
CONTOUR (DASHED
WERE INFERED)

↖ GROUNDWATER
FLOW DIRECTION

40 0 40
SCALE IN FEET



FIGURE 4
GROUNDWATER
ELEVATION JULY 14, 1997
NIKOLAI CONSTRUCTION
MARSHFIELD, WI





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LEGEND

G — UNDERGROUND GAS
E — UNDERGROUND ELECTRIC

UTILITY POLE

SEPTIC TANK AND DRAIN FIELD

LOCATION OF FORMER TANK BED EXCAVATION

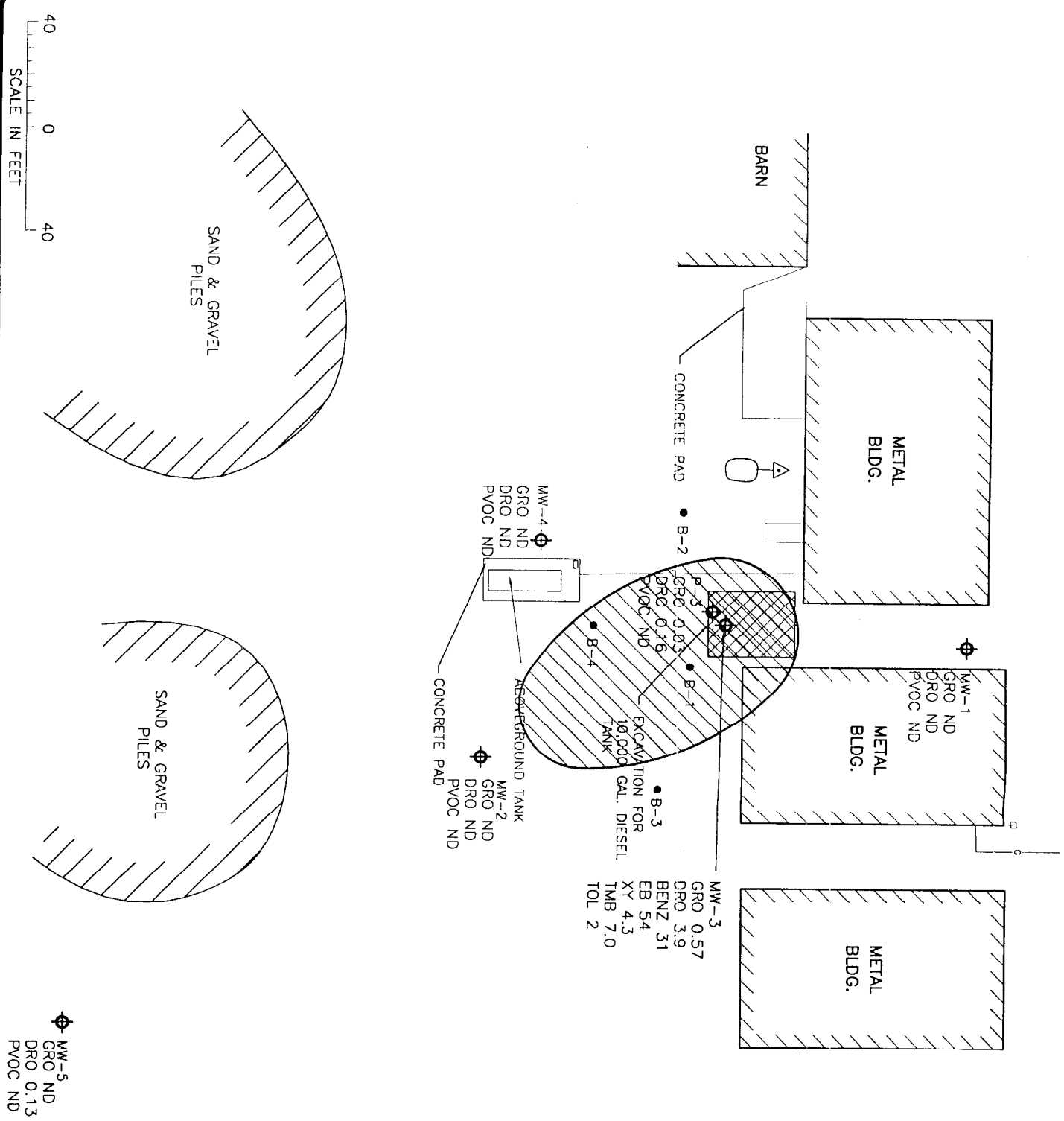
MONITORING WELL
SOIL BORING

GROUNDWATER CONTAMINATION GREATER THAN THE WAC NR 140 ENFORCEMENT STANDARDS.

GRO GASOLINE RANGE ORGANICS (mg/L)
DRO DIESEL RANGE ORGANICS (mg/L)
PVOC PETROLEUM VOLATILE ORGANIC COMPOUNDS (ug/L)
BENZ BENZENE (ug/L)
EEB ETHYLBENZENE (ug/L)
XY TOTAL XYLENE (ug/L)
TMB TOTAL TRIMETHYLBENZENE (ug/L)
TOL TOLUENE (ug/L)

FIGURE 3
APPROXIMATE HORIZONTAL EXTENT OF PETROLEUM CONTAMINATION IN GROUNDWATER 7/14/97

NIKOLAI CONSTRUCTION
MARSHFIELD, WI



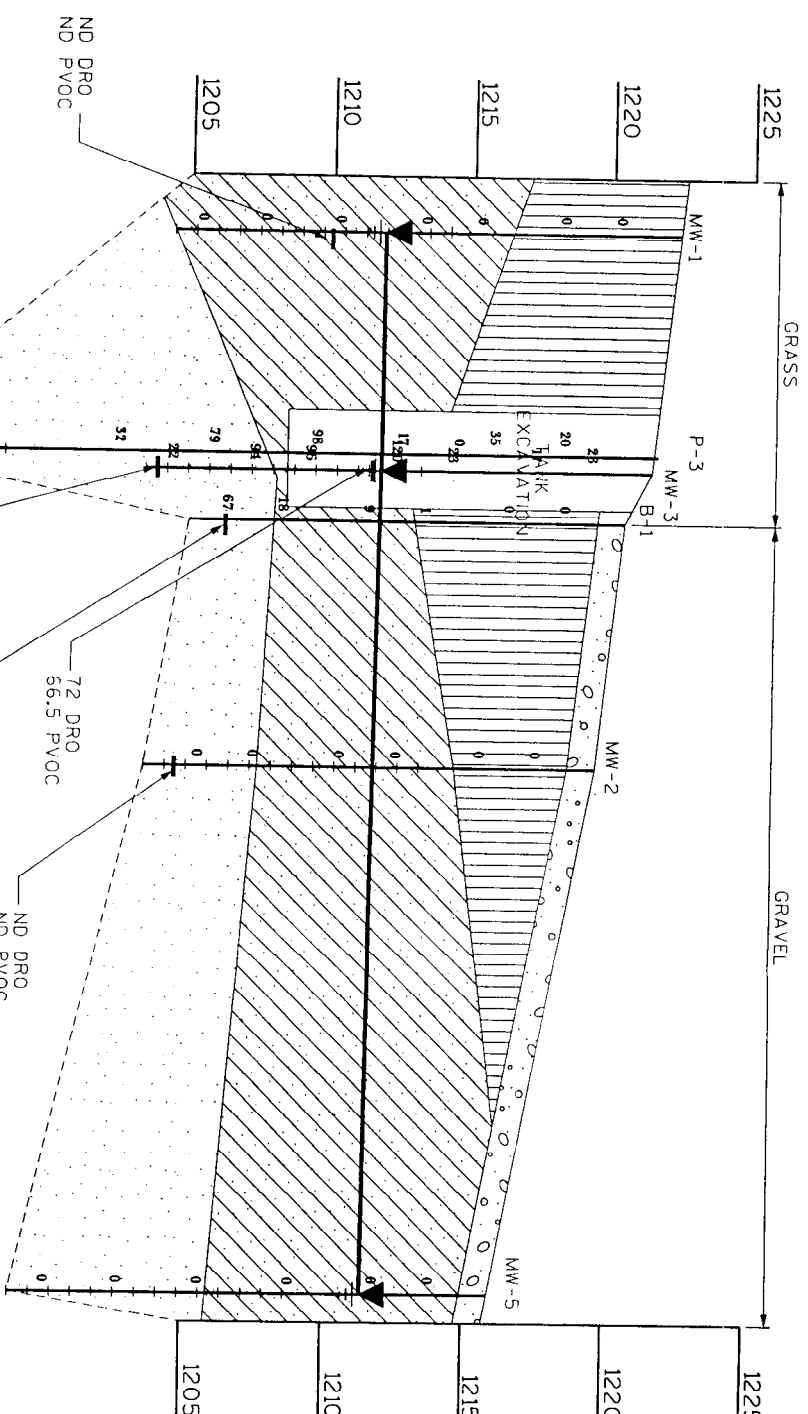
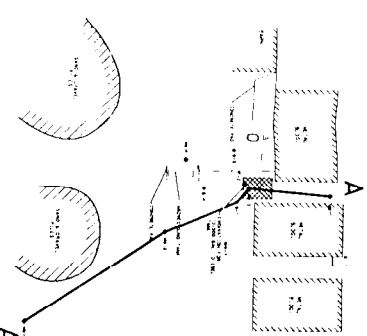
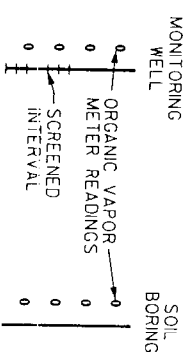
NOTES:

1. INFORMATION BETWEEN SOIL BORINGS IS INTERPRETED BASED UPON AVAILABLE DATA. ACTUAL CONDITIONS BETWEEN SOIL BORINGS ARE UNKNOWN.
2. GROUNDWATER ELEVATIONS WERE MEASURED ON NOV. 15, 1995.
3. FOR THE PURPOSE OF ILLUSTRATING SUBSOIL CONDITIONS ON THE CROSS SECTIONS, SOME OF THE BORING LOGS HAVE BEEN "SMOOTHED" FOR A DETAILED DESCRIPTION OF SUBSURFACE CONDITIONS AT INDIVIDUAL BORINGS REFER TO SOIL BORING LOGS.
4. GRO & DRO RESULTS IN mg/kg AND PVOC RESULTS IN $\mu\text{g/kg}$.

EXPLANATION

LOCATION OF HYDROGEOLOGIC CROSS SECTION

SCALE 1"=180'



LEGEND

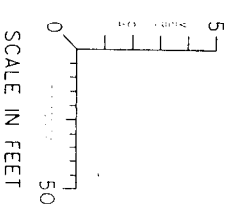
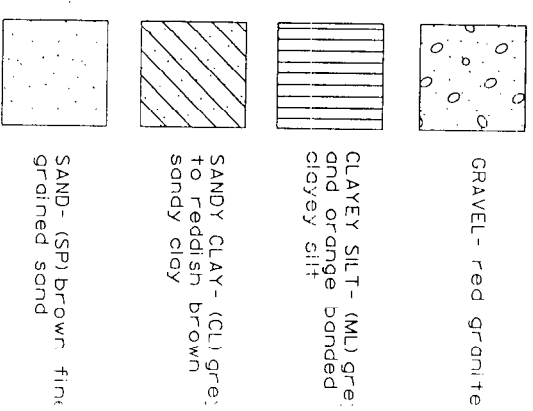


FIGURE 5
HYDROGEOLOGIC CROSS SECTION
A-A'

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MARSHFIELD, WI

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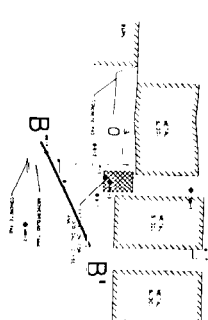
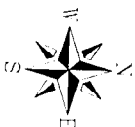
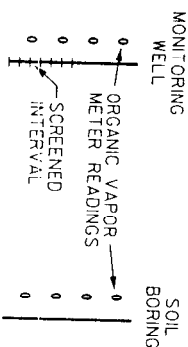
NOTES:

1. INFORMATION BETWEEN SOIL BORINGS IS INTERPRETED BASED UPON AVAILABLE DATA. ACTUAL CONDITIONS BETWEEN SOIL BORINGS ARE UNKNOWN
2. GROUNDWATER ELEVATIONS WERE MEASURED ON MARCH 28, 1994.
3. FOR THE PURPOSE OF ILLUSTRATING SUBSOIL CONDITIONS ON THE CROSS SECTIONS, SOME OF THE BORING LOGS HAVE BEEN SIMPLIFIED. FOR A DETAILED DESCRIPTION OF SUBSURFACE CONDITIONS AT INDIVIDUAL BORINGS REFER TO SOIL BORING LOGS.
4. GRO & DRO RESULTS IN MG/KG AND PVOG RESULTS IN $\mu\text{G/KG}$.

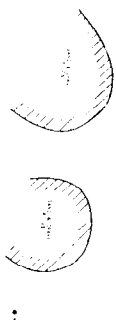
EXPLANATION

LOCATION OF HYDROGEOLOGIC CROSS SECTION

SCALE 1"=180'



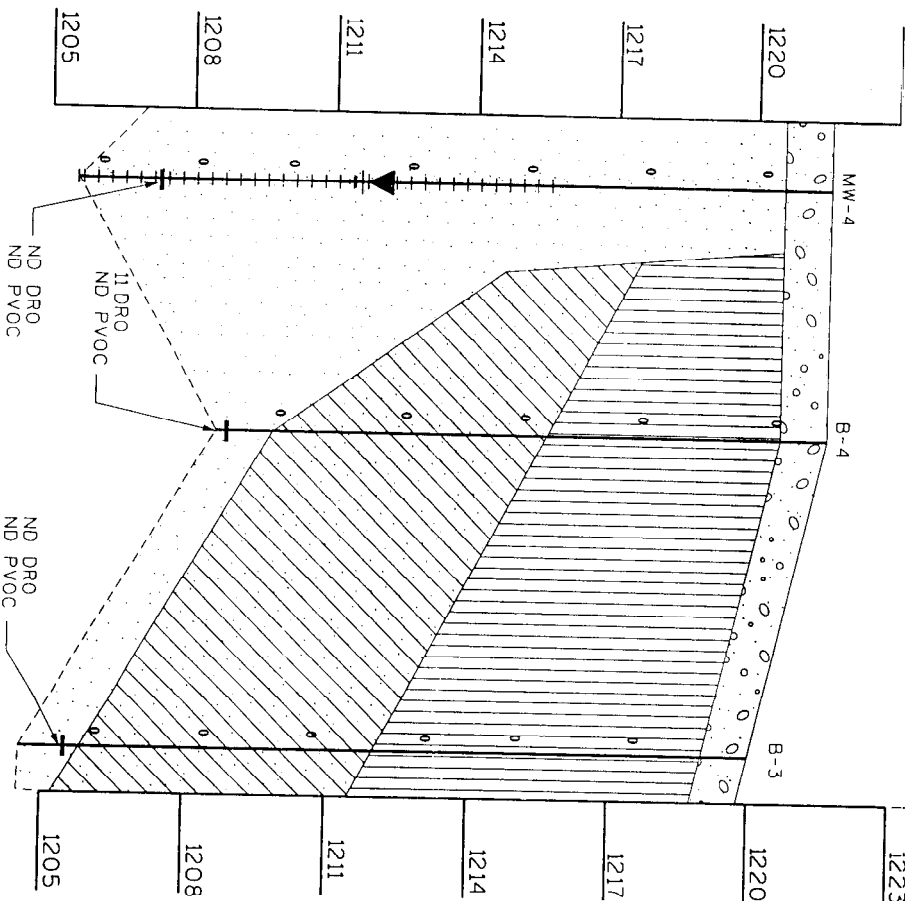
- LABORATORY SAMPLE
- ND NOT DETECTED
- PVOG PETROLEUM VOLATILE ORGANIC COMPOUNDS
- DRO DIESEL RANGE ORGANICS



B
SOUTHWEST

GRAVEL

B'
NORTHEAST



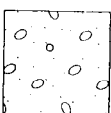
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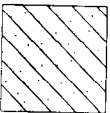
LEGEND



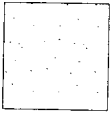
GRAVEL - red granite



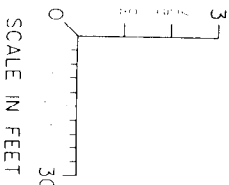
CLAYEY SILT - (ML) grey and orange banded clayey silt



SANDY CLAY - (CL) grey to reddish brown sandy clay



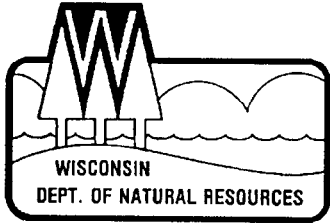
SAND - (SP) brown fine grained sand



SCALE IN FEET

FIGURE 6
HYDROGEOLOGIC CROSS SECTION
B-B'

NIKOLAICONSTRUCTION
MARSHFIELD, WI



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Scott Humrickhouse, Regional Director

Wisconsin Rapids Office
473 Griffith Avenue
Wisconsin Rapids, WI 54494-7859
TELEPHONE 715-421-7800
FAX 715-421-7830

March 13, 1998

REF: 03-72-001041

Mr. Don Nikolai
Don Nikolai Construction
10896 Washington Avenue
Marshfield, WI 54449

FILE COPY

SUBJECT: Conditional Case Closure With Groundwater Use Restriction, Don Nikolai Construction, 10896 Washington Avenue, Marshfield, Wisconsin.

Dear Mr. Nikolai:

On March 12, 1998, the Department of Natural Resources (DNR) west central region case closeout committee reviewed the case summary and closeout form for the above referenced site. The groundwater samples collected at the site determined that a Wisconsin Administrative Code NR 140 enforcement standard exceedance for benzene exists at this site. However, based on all information contained in the site file and submitted by your consultant it is the decision of the committee that no further investigatory or clean-up action is needed at the above referenced site if a groundwater use restriction which is approved by the Department and meets the requirements of statute NR 726.05(8)(am), Wis. Adm. Code, is recorded with the County Register of Deeds. The Department will consider the case closed, having determined that no further action is necessary on the site at this time. I have enclosed a model of the groundwater use restriction. Please complete the form with the needed site-specific information and return it to the Department within 30 days for review. Do not file the document with the County Register of Deeds until the Department has approved the deed attachment.

The monitoring wells that were installed as part of the investigation/remedial action, must be properly abandoned in accordance with Wisconsin Administrative Code NR 141.25. Documents substantiating proper abandonment (Form 3300-5B) should be forwarded to me at the DNR west central office.

*Quality Natural Resources Management
Through Excellent Customer Service*



March 13, 1998

REF: 03-72-001041

Mr. Don Nikolai - Don Nikolai Construction

Page 2

Once the monitoring well abandonment forms and a notarized copy of the recorded deed has been received, a final close out letter will be issued for this site. You should note that this letter does not constitute Department "certification" under s. 292.15(2)(a)3, Stats., as created by 1993 Wisconsin Act 453 (May 12, 1994). Persons who meet the definition of "purchaser" in s. 292.15(1)(c) must receive Department pre-approval prior to conducting a site investigation in order to be eligible for liability exemption under s. 292.15, Stat.

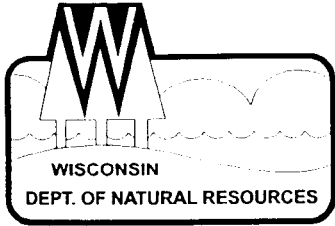
The Department appreciates the actions you have undertaken to restore the environment. If you have any questions, please feel free to call me at (715) 421-7850.

Sincerely,



Tom Hvizdak
Hydrogeologist

c: John Sager, MSA, P.O. Box 1026, Rhinelander, WI 54501-1026



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Scott A. Humrickhouse, Regional Director

Wisconsin Rapids Office
473 Griffith Avenue
Wisconsin Rapids, Wisconsin 54494-7859
Telephone 715-421-7800
FAX 715-421-7830

May 28, 1999

REF: 03-72-001041

FILE COPY

Mr. Don Nikolai
Don Nikolai Construction
10896 Washington Ave.
Marshfield, WI 54449

SUBJECT: Conditional Case Closure, Don Nikolai Construction Site, 10896 Washington Avenue, Marshfield, Wisconsin.

Dear Mr. Nikolai:

The Wisconsin Department of Natural Resources (WDNR) west central region received the monitoring well abandonment forms for the monitoring well associated with the subsurface environmental assessment conducted by your consultant for the above referenced site and a copy of the deed affidavit (with the recording information stamped on it) recorded with the Wood County Register of Deeds as required by WDNR west central closure committee as conditions for closure of this site. Based on all information contained in the site file and the information included in the well abandonment form and deed affidavit submitted by you, it is the decision of the DNR that, **no further investigatory or clean-up action is needed at the above referenced site and that this site is considered closed.**

You should note that this letter does not constitute Department "certification" under s. 292.15(2)(a)3, Stats., as created by 1993 Wisconsin Act 453 (May 12, 1994). Persons who meet the definition of "purchaser" in s. 292.15(1)(c) must receive Department pre-approval prior to conducting a site investigation in order to be eligible for liability exemption under s. 292.15, Stat. The Department appreciates the actions you have undertaken to restore the environment.

Thank you for your efforts to cleanup Wisconsin's environment. If you should have any questions regarding this letter please contact me at (715) 421-7850.

Sincerely,

T-H-M
Tom Hvizdak
Hydrogeologist

Handwritten signature: Tom Hvizdak
Handwritten date: 5/28/99

c: Brian Hegge, MSA, 1835 N. Stevens St., Rhinelander, WI 54501

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